

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROBERT JAMES WALTON,

Plaintiff,

vs.

**GENERAL SERVICES ADMINISTRATION,
et al.,**

Defendants.

CIVIL ACTION

Case No. 02-3272-CM

MEMORANDUM AND ORDER

Plaintiff, a federal prisoner appearing pro se, filed the instant action under the Federal Tort Claims Act alleging that defendants expropriated plaintiff's intellectual property. On January 15, 2004, this court dismissed plaintiff's action for lack of subject matter jurisdiction. Specifically, this court determined that plaintiff's claim alleges both a protectable copyright interest and that the United States infringed on that interest, and that, accordingly, the United States Court of Federal Claims enjoys exclusive jurisdiction pursuant to 28 U.S.C. § 1498. Plaintiff moves the court to reconsider its dismissal of the case (Doc. 51).

28 U.S.C. § 1631 provides:

Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

Upon reconsideration, the court determines that it is in the interest of justice to transfer this case to the United States Court of Federal Claims. Plaintiff is currently incarcerated and appears pro se. Plaintiff originally filed this case in the United States District Court for the District of Columbia, whereupon the case was transferred to the United States District Court for the Northern District of Texas, and then again transferred to this court. The court believes plaintiff has in good faith attempted to comply with the federal rules of civil procedure and the local rules of this court. The court determines that plaintiff would suffer an undue hardship if made to bear the cost and inconvenience of refileing this case in another court. The court therefore transfers this case to the United States Court of Federal Claims, wherein exclusive jurisdiction lies.

IT IS THEREFORE ORDERED that plaintiff's Motion for Reconsideration (Doc. 51) is granted. The court hereby transfers this case to the United States Court of Federal Claims.

Dated this 3 day of May 2004, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge